

NEBRASKA DEPARTMENT  
OF INSURANCE

JUL 01 2003

BEFORE THE DEPARTMENT OF INSURANCE  
STATE OF NEBRASKA

FILED

IN THE MATTER OF THE DENIAL OF )  
APPLICATION FOR LICENSE FOR )  
DENISE DYMEK )  
)  
)  
)

FINDINGS OF FACT,  
CONCLUSIONS OF LAW, AND  
RECOMMENDED ORDER

CAUSE NO. A-1509

This matter came on for hearing on the 26<sup>th</sup> day of June 2003, before Eric Dunning, a hearing officer duly appointed by the Director of the Nebraska Department of Insurance. The matter arises out of a denial of an application for a resident insurance producer license. The Department of Insurance ("Department") was represented by its attorney, Christy Neighbors. Denise Dymek ("Applicant") was present and was not represented by counsel. The proceedings were tape recorded by Tracy Gruhn, a licensed Notary Public. Applicant and the Department presented evidence and testimony at the hearing and the matter was taken under advisement. The hearing officer hereby makes the following Findings of Fact, Conclusions of Law, and Recommended Order.

FINDINGS OF FACT

1. The Department is the agency of the State of Nebraska charged with licensing insurance producers.

2. On or about April 4, 2003, Applicant applied for a resident insurance producer license as evidenced by Exhibit 2. Applicant's address is 716 N. 152<sup>nd</sup> Avenue, Omaha, Nebraska 68154.

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3. On or about April 28, 2003 Beverly Creager, Licensing Administrator for the Nebraska Department of Insurance, notified Applicant that her application for an insurance producer's license was denied based upon Neb. Rev. Stat. §44-4059(1)(f).

4. On or about May 23, 2003, Applicant requested a hearing to appeal the Department's denial for an insurance producer's license as evidenced by Exhibit 4.

5. Applicant testified that she is currently employed by New Frontier Insurance Agency as a secretary.

6. On or about July 9, 1997, Applicant was convicted of Unemployment Benefits Fraud. Applicant was 26 years old at the time of the offense. Applicant was ordered to pay a fine of \$50 and make restitution, as evidenced by Exhibit 3.

7. Applicant testified that in the years subsequent to the conviction she has maintained employment.

8. The granting of a license by the Department is based upon the truth a veracity of the facts disclosed in the application, the testimony given and the evidence introduced into the record at the hearing.

#### CONCLUSION OF LAW

1. The Department has broad jurisdiction, control and discretion over the licensing of insurance producers to sell insurance in the State of Nebraska pursuant to Neb. Rev. Stat. §44-101.01 and §44-4047 et seq.

2. The Department has person jurisdiction over Applicant.


3. The convictions constitute sufficient basis for denying a license to Applicant pursuant to Neb. Rev. Stat. §44-4059(1)(f).

#### RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended to the Director of Insurance that the Director approve Applicant's request for licensing as an insurance producer. It is further recommended that the Director of the Department of Insurance grant consent to Applicant to engage in the business of insurance as contemplated by the *Violent Crime Control and Law Enforcement Act of 1994*, 18 U.S.C. §1033(e)(2).

Dated this first day of July 2003.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE


  
Eric Dunning  
HEARING OFFICER

#### CERTIFICATE OF ADOPTION

I have reviewed the foregoing Findings of Fact, Conclusions of Law, and Recommended order and hereby certify that the Recommended Order, providing for the approval of Applicant's request for an insurance producer license and the granting of consent to Applicant to engage in the business of insurance as contemplated by 18 U.S.C. §1033(e)(2), is adopted as the official and final Order of the Department In The Matter of the Denial of Application For License For Denise Dymek, Cause No. A-1509.

Dated this 1st day of July 2003.

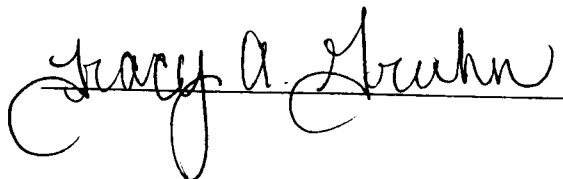
STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE

  
L. TIM WAGNER

Director of Insurance

CERTIFICATE OF SERVICE

I, hereby, certify that a copy of the foregoing Findings of Fact, Conclusions of Law, Recommended Order, and Order was served upon the Applicant by mailing a copy to 716 N. 152<sup>nd</sup> Avenue, Omaha, Nebraska 68154, by certified mail, return receipt requested, on this 15<sup>th</sup> day of July, 2003.

A handwritten signature in cursive script, reading "Gary A. Luehn", is written over a horizontal line.